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10/002,464	11/15/2001	Adam Murano	2384.1001-011	6247

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EXAMINER

MAYES, MELVIN C

ART UNIT	PAPER NUMBER
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1734

DATE MAILED: 03/18/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/002,464

Applicant(s)

MURANO, ADAM

Examiner

Melvin Curtis Mayes

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 January 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 6, 7, 9-14, 17, 19, 21 and 24-26 is/are rejected.
- 7) ☒ Claim(s) 2-5, 8, 15, 16, 18, 20, 22 and 23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

(1)

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(2)

Claims 1, 6, 9, 13, 24 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Bradstad et al. 4,230,924.

Bradstad et al. disclose a method making a flexible wrapping material for microwave browning comprising: providing a plastic sheet such as polyester film; applying a metallic coating to one side of the plastic sheet such as by vacuum evaporation or other thin film metallizing techniques such as cathode sputtering, the metallic coating being subdivided into a number of metallic islands; and laminating another plastic film such that the metallic coating is laminated between two layers of plastic film. Bradstad et al. further disclose that the flexible wrapping material can be supported exteriorly by more rigid material such as paperboard (col. 3, line 57 – col. 4, line 26, col. 6, lines 29-42).

Claim Rejections - 35 USC § 103

(3)

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

(4)

Claims 7 and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bradstad et al. as applied to claim 1 above, and further in view of Rye et al. 5,380,474 and Sulzbach et al. 3,996,461.

Bradstad et al. disclose applying the metallic coating to one side of the plastic sheet by vacuum evaporation or other thin film metallizing techniques including depositing and sputtering.

Rye et al. teach that methods that can be used to achieve deposition of thin metal film include a variety of chemical vapor deposition techniques as well as thermal evaporation, ion plating, sputtering, plasma enhanced vapor deposition, heavy ion irradiation and electroless deposition (col. 5, lines 5-14).

Sulzbach et al. teach that standard thin film deposition techniques include thermal evaporation, electron beam bombardment, sputtering, chemical vapor deposition, and induction heating (col. 3, lines 23-26).

It would have been obvious to one of ordinary skill in the art to have modified the method of Bradstad et al. by applying the metallic coating by electron beam evaporation, ion plating, induction heating or thermal evaporation, as taught by Rye et al. and Sulzbach et al. as methods of depositing thin film. The use of electron beam evaporation, ion plating, induction

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heating or thermal evaporation would have been obvious to one of ordinary skill in the art as alternatives to vacuum evaporation or sputtering for depositing a thin film of metal, as suggested by Rye et al. and Sulzbach et al., and the use of any of these methods to deposit the thin film metallic coating would have been obvious to one of ordinary skill in the art.

(5)

Claims 17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bradstad et al. as applied to claim 13 above, and further in view of Faller 4,985,606.

Faller teaches that multi-ply film for microwave cooking, the plastic film, such as of polyester, are bonded by a suitable adhesive (col. 4, lines 32-39).

It would have been obvious to one of ordinary skill in the art to have modified the method of Bradstad et al. for making a flexible wrapping material for microwave browning by bonding the two layers of plastic film by adhesive, as taught by Faller, for bonding the plastic films of a multi-ply film for microwave cooking. Providing the adhesive for bonding the two plastic films by depositing adhesive on the film having the metallic coating or on the another plastic film to be laminated to the film having the metallic coating would have been obvious to one of ordinary skill in the art as alternative methods of providing adhesive between the films to be laminated.

(6)

Claims 1, 13, 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walters 6,010,770.

Walters discloses a method making a patterned retroreflective film comprising: depositing a metal layer 113 in the form of a blanket of metal dots on a polyester base film 107

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and heat sealable polyethylene coating 109; and heat laminating a PVC or PET substrate to the pattern metallized structure by heat and pressure (col. 2, lines 39-65, col. 4, lines 1-7).

By depositing metal in the form of a blanket of metal dots, as disclosed by Walters, metal is obviously deposited to form a discontinuous layer including discrete islands of metal, as claimed.

(7)

Claims 1, 6, 13, 21 and 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bayer 5,277,734.

Bayer discloses a method of making a multi-layer flexible electric conductive circuit comprising: providing circuit traces made of thin conductive foil on a transfer sheet; transferring the circuit traces to a base material of flexible plastic sheet; removing the transfer sheet; applying an insulating sheet over the circuit traces; and repeating the steps of transferring conductive traces and applying insulating sheet to form a multi-layer flexible electric conductive circuit. The base material has an adhesive surface for adhering to underlying base material and the bottom one of the base material sheets can be releasably retained on a release sheet which is removed prior to securing the strip (Fig. 3, col. 2-4).

By transferring circuit traces on base material of plastic sheet and applying an insulating sheet over the transferred traces to make a flexible circuit, a discontinuous layer of metal including discrete islands of metal is obviously deposited on a thermoplastic layer to form a metallized composite, as claimed, because the circuit traces are isolated from each other and are thus "discrete islands of metal" as claimed.

Allowable Subject Matter

(8)

Claims 2-5, 8, 15, 16, 18, 20, 22 and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

(9)

Applicant's arguments filed January 13, 2003 have been fully considered but they are not persuasive.

Applicant argues that Bayer does not disclose or suggest forming a discontinuous layer of discrete metal islands on a first thermoplastic layer followed by laminating a second thermoplastic layer.

(10)

In Bayer, the circuit traces to be transferred to the plastic sheet are shown in Figure 2d as circuits separate from one another. The Examiner's position is that these individual circuit traces can be considered "discrete islands of metal" as broadly claimed in Claim 1.

Conclusion

(11)

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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(12)

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

(13)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melvin Curtis Mayes whose telephone number is 703-308-1977. The examiner can normally be reached on Mon-Fri 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 703-308-3853. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



Melvin Curtis Mayes
Primary Examiner
Art Unit 1734

MCM
March 11, 2003